REMARKS/ARGUMENTS

Claim 1 stands rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,052,600 (Fette) in view of U.S. Patent No. 6,449,493 (Webster) and U.S. Patent No. 6,687,901 (Imamatsu). Amended claim 1 states: "...detection of a problem *by a base station.*" In contrast, Fette merely describes performing a hash operation using, presumably, the portable device—not a base station. Imamatsu describes using update-software 41, resident on the portable device (i.e., not a base station), to search for a data error. Webster does not address the issue and is cited by the Office Action to address a different matter. For at least this reason, claim 1 and its dependent claims are allowable over the cited references.

In addition, the Office Action concedes that Fette nowhere teaches or suggests a storage unit with first and second regions, in which the second, protected region includes a configuration application. Instead, the Office Action relies on Webster which discloses a permanent memory including multiple regions, all of which may be protected. However, the combination of Fette and Webster does not teach or suggest a single memory that includes both a protected region (i.e., a second region in which the configuration application is stored) and a first region, into which configuration information may be written during operation. This is so, as Webster discloses that its memory is a permanent memory that is not written to during operation. For at least this further reason, claim 1 and its dependent claims are allowable over the cited references.

Claim 7 stands rejected under 35 U.S.C. §103(a) over Fette in view of Webster, Imamatsu, and U.S. Patent No. 6,735,434 (Criss). Amended claim 7 states: "the control unit to determine whether restoration of the portable device to a prior operational state is desired; and further wherein the configuration information includes reconfiguration information associated with the portable device in the prior operational state." Nowhere does Criss or the other references teach or suggest determining whether restoration of a portable device to a prior operational state is desired. Instead, Criss merely addresses updating software to put the portable device in a new state—not a prior operational state. Col. 7, lns. 25-60. Criss and the other cited references also fail to teach or suggest "*reconfiguration* information associated with the portable device in the prior operational state" because again, Criss merely addresses software upgrades. For at least this further reason, claim 7 is patentable over the proposed combination.

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Claim 34 also stands rejected under 35 U.S.C. §103(a) over Fette in view of Webster, Imamatsu, and Criss. Amended claim 34 states "...*visually* verify with a user that the configuration is desired prior to the request for the configuration information." In addition to the reasons set out regarding claim 1, claim 34 is patentable because the cited references do not teach or suggest verifying with a user that configuration is desired prior to the time the request for configuration information is made after a determination is made in the control unit to make the request. The cited references certainly do not address providing visual verification. In Criss the selection of software is done wholly pursuant to a user request and entails no verification— visual or otherwise. Criss, col. 17, lns. 19-45. For at least this further reason, claim 34 is patentable over Criss and all other cited references.

Claims 8 stands rejected under 35 U.S.C. §103(a) over Fette in view of U.S. Patent Application No. 2002/0072359 (Moles). Amended claim 8 states "diagnosing a malfunction of a portable device using a remote device." Fette merely describes performing a hash operation using, presumably, the portable device—not a remote device. Moles describes a user or mobile station 112 (i.e., not a remote device) determining that diagnostic testing is necessary. Para. 66. For at least this reason, claim 8 and its dependent claims are patentable over the proposed combination.

In addition, claim 8 is patentable over this combination as nowhere does Fette disclose determining in the portable device itself if configuration of the device is desired. Instead, Fette merely teaches that a user may request updated configuration information. Such teaching does not disclose determining in the device itself if configuration is desired. This is especially so, as Fette merely discloses that when a malfunction is detected, its configuring method terminates. *E.g.*, FIG. 3, refs. 316 and 324, cited by the Office Action, p. 10. Furthermore, Moles merely states "when the testing process is completed, main controller 440 corrects, if possible, the software." Para. 68. This does not amount to determining in the portable device itself if configuration of the device is desired. For at least these reasons, claim 8 and its depending claims are patentable over the cited references.

Claim 37 stands rejected under 35 U.S.C. §103(a) over Fette in view of Moles. Amended claim 37 states "reconfiguring the portable device to a previous operable state using reconfiguration information associated with the portable device in the previous operational state." Neither reference addresses reconfiguring the portable device to a previous operable

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state. Certainly neither reference addresses "using *reconfiguration information* associated with the portable device in the previous operational state." For at least this further reason, claim 37 is patentable over the proposed combination.

Claim 36 also stands rejected under 35 U.S.C. §103(a) over Fette in view of Moles. Amended claim 36 states "*visually* prompting a user to verify that the configuration is desired." The cited references do not teach or suggest prompting a user to verify that the configuration is desired, much less visually prompting the user. For at least this further reason, claim 36 is patentable over the proposed combination.

Claim 13 stands rejected under 35 U.S.C. §103(a) over Fette in view of Criss. Applicant respectfully traverses the rejection. Claim 13 states "receive an indication from a base station that the base station diagnosed a malfunction of the portable device." In contrast, Fette merely describes performing a hash operation using, presumably, the portable device—not a base station. Criss merely concerns determining whether a mobile device is using an older version of operating software. Criss, col. 7, lns. 24-60. Criss does not address a base station to diagnose a malfunction of the portable device. For at least these reasons, claim 13 and its dependent claims are patentable over the proposed combination.

Finally, pending claim 1 stands rejected, in the "alternative", under 35 U.S.C. §103(a) over Fette in view of Webster and Criss. As stated above regarding claim 1, the Office Action concedes that Fette nowhere teaches or suggests a storage unit with first and second regions, in which the second, protected region includes a configuration application. Instead, the Office Action relies on Webster which discloses a permanent memory including multiple regions, all of which may be protected. However, the combination of Fette and Webster does not teach or suggest a single memory that includes both a protected region (i.e., a second region in which the configuration application is stored) and a first region, into which configuration information may be written during operation. This is so, as Webster discloses that its memory is a permanent memory that is not written to during operation. For at least this further reason, claims 1 and its dependent claims are patentable over the proposed combination.
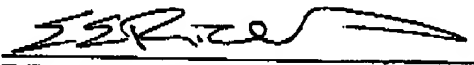
In addition, Amended claim 1 states: "...detection of a problem *by a base station.*" In contrast, Fette merely describes performing a hash operation using, presumably, the portable device—not a base station. Criss merely concerns determining whether a mobile device is using an older version of operating software. Criss, col. 7, lns. 24-60. Criss does not address detection

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of a problem by a base station. Webster does not address the issue and is cited by the Office Action to address a different matter. For at least this further reason, claim 1 and its dependent claims are allowable over the cited references.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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